

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAMIEN D. HUFF,

Plaintiff,

v.

COLIN FRUEHBRODT, LT.
REBECCA FRISCH, MILES ARNE,
BRIAN MCDONALD, and MARY
ALSTEEN,

Defendants.

Case No. 20-CV-1580-JPS

ORDER

On October 15, 2020, Plaintiff Damien D. Huff, a. former prisoner, filed this civil rights action alleging violations of his constitutional rights. ECF No. 1. On September 28, 2021, the Court screened the complaint and allowed it to proceed against Defendants for Eighth Amendment claims of excessive force, the failure to intervene, and deliberate indifference to Plaintiff's serious medical need. ECF No. 12 at 6.

On April 12, 2022, the Court entered a scheduling order with an August 1, 2022 deadline to file dispositive motions. ECF No. 24. The Court's order required that for summary judgment motions, the parties must meet and confer at least 30 days prior to filing the motion and create a single, agreed-upon statement of facts. *Id.* at 4.

On July 29, 2022, Defendants filed a motion for sanctions seeking dismissal of the case. ECF No. 25. Defendants seek sanctions for two independent reasons: (1) Video evidence disproves Plaintiff's allegations and his claims are premised on a blatant falsehood; and (2) Plaintiff's failure to comply with the meet and confer summary judgment requirement. ECF

No. 26. To date, Plaintiff has failed to file any opposition to Defendants' motion or otherwise respond.

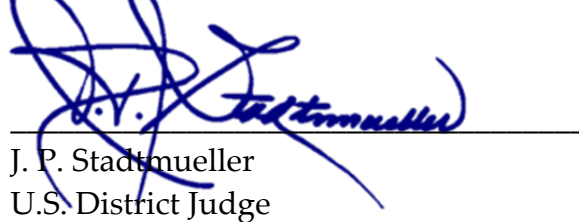
The Court orders Plaintiff to file a response to Defendants' motion or otherwise respond on or before **December 13, 2022**. The Court warns Plaintiff that the failure to participate in his case may result in its dismissal for the failure to prosecute.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall file a response to Defendants' motion or otherwise respond on or before **December 13, 2022**.

Dated at Milwaukee, Wisconsin, this 29th day of November, 2022.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge